

Exhibit D

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27 **UNITED STATES DISTRICT COURT**

28 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

29 AARON SENNE, et al., Individually and on
Behalf of All Those Similarly Situated;

30 Plaintiffs,

31 vs.

32 OFFICE OF THE COMMISSIONER OF
33 BASEBALL, an unincorporated association
34 doing business as MAJOR LEAGUE
35 BASEBALL; et al.;

36 Defendants.

CASE NO. 3:14-cv-00608-JCS

CLASS ACTION

**PLAINTIFFS' FIRST REQUESTS
FOR PRODUCTION OF DOCUMENTS
TO OFFICE OF THE COMMISSIONER
OF BASEBALL REGARDING VENUE**

1 Pursuant to Fed. R. Civ. P. 34, Plaintiffs hereby request that the Office of the Commissioner
 2 of Baseball produce the following documents in their possession, custody or control within thirty (30)
 3 days of the date of this Request:

4 **DEFINITIONS**

5 1. The term “Communication” (or any variant thereof) means any contact between or
 6 among two or more Persons, including but not limited to written contact by means such as letters,
 7 memoranda, telegrams, telecopies, telexes, e-mail, instant message, or any other Document; the
 8 transmittal of information by any means; any oral contact such as face-to-face meetings or telephone
 9 conversations; and any writings memorializing such oral contact.

10 2. The term “Document” or “Documents” means any designated documents or
 11 electronically stored information—including writings, drawings, graphs, charts, photographs, sound
 12 recordings, images, and other data or data compilations—stored in any medium from which
 13 information can be obtained either directly or, if necessary, after translation by the responding party
 14 into a reasonably usable form. Fed. R. Civ. P. 34(a)(1)(A).

15 3. The term “Identify” with respect to a natural person, shall require You to state the
 16 Person’s name, residential address, business addresses, title and scope of duties, if applicable.

17 4. The term “Identify” with respect to corporation, firm, company, sole proprietorship,
 18 partnership, joint venture, association, institute, or other business, legal or governmental entity or
 19 association shall require you to state its, state of incorporation, the address it maintains for its
 20 principal place of business, headquarters, and each of its offices.

21 5. The terms “High School,” “College” and “Junior College” shall have the same
 22 meanings as those ascribed to them in the Basic Agreement of the Major League Baseball Players
 23 Association (“Basic Agreement”).

24 6. The term “Person” means natural person, corporation, firm, company, sole
 25 proprietorship, partnership, joint venture, association, institute, or other business, legal or
 26 governmental entity or association, including any directors, officers, employees, agents, successors,
 27 predecessors, assignees, or representatives thereof.

28 7. As used herein “You” or “Your” means Office of the Commissioner of Baseball,
 including its agents, subsidiaries, related entities, affiliated companies, predecessors, successors,

assigns, officers, directors, partners, employees, representatives (in their individual or representative capacities), affiliates of any kind or nature, or any person or entity acting on its behalf.

8. Unless otherwise specified herein, the terms and phrases used in these Requests shall have the same meaning as applied to them when used in the Basic Agreement or the Major League Rules, as applicable, or their commonsense, dictionary meaning. If You contend that a term or phrase is vague or ambiguous You shall respond to the Request based on Your interpretation of the term or phrase and provide an description of Your understanding.

INSTRUCTIONS

1. All requests hereunder for the production of Documents require production of the requested Documents in full, without deletion, redaction, abbreviation, or expurgation.

2. All Documents should be produced in the order in which they appear in Your files, organized by source, and should contain a clear indication of where each Document ends and the next begins. Documents that are found in boxes, file folders, bindings, or other containers are to be left intact as kept. Documents maintained in a file folder or binding should be preceded by the file folder or binding label, if one exists, and should contain a clear indication of where the file folder or binding begins and ends. All attachments to a Document should be produced with the Document. Hard copy documents are to be electronically imaged consistent with the instructions in this paragraph. A unique control number should be affixed to each page.

3. If You are unable to comply with a demand for any document in full, You are requested to specify whether Your inability to comply is because the document has never existed, has been destroyed, cannot be processed fully due to file corruption or protection by an irretrievable password, has been lost, misplaced or stolen, and/or has never been, or is no longer in Your possession, custody, or control. The statement shall set forth the name and address of any person or organization known or believed by You to have possession, custody, or control of the document.

4. To the fullest extent, each request shall be deemed continuing so as to require further and supplemental production if You receive, discover, become aware of or create additional responsive documents subsequent to the date of Your response to these document requests.

5. If You object to or otherwise refuse to comply with any portion of a document request, please (i) state the objection or reason for such refusal, and (ii) provide all information called

1 for by that portion of the document request to which You do not object or which You do not decline
 2 to answer as follows:

- 3 a. If You object to a document request on the ground that to respond would
 4 constitute an undue burden, then You shall respond as fully as possible
 5 without undertaking such asserted undue burden; and
- 6 b. If You object to any portion of a document request on the ground that it is
 7 vague or indefinite, You shall set forth Your good faith understanding of
 8 the allegedly vague or indefinite term and shall then respond to the
 9 document request based upon that stated understanding

10 6. If You object to any portion of a document request on the ground that it is vague or
 11 indefinite, You shall set forth Your good faith understanding of the allegedly vague or indefinite term
 12 and shall then respond to the document request based upon that stated understanding. If any
 13 document requested herein is claimed to be privileged or otherwise withheld, in whole or in part, You
 14 must identify each document and provide the following information:

- 15 a. Identification of the person who created, wrote, or prepared the document
 16 and, if applicable, the person to whom the document (or copies of it) was
 17 sent;
- 18 b. Date on which the document was created, written, prepared, and/or
 19 transmitted;
- 20 c. Description of the nature of the document (e.g., letter, e-mail,
 21 memorandum);
- 22 d. Description of the subject matter of the document;
- 23 e. Number of pages the document contains; and
- 24 f. Whether the document is privileged or otherwise withheld, and why the
 25 document is privileged or withheld.

26 7. Each request for documents seeks production of all documents described along with
 27 any attachments, drafts, and non-identical copies in any language whatsoever, in the possession,
 28 custody, or control of You or Your respective agents or attorneys. You are specifically instructed to

1 review any storage and archive facilities and the personal files, records, notes, correspondence, daily
 2 calendars, telephone logs, and records of all persons who would likely have responsive documents.

3 8. Unless otherwise noted, the time period for each request is January 1, 2008, to present.

DOCUMENTS AND THINGS TO BE PRODUCED

5 1. Documents sufficient to Identify any employee or person contracted by You
 6 (including but not limited to executives, scouts, or any other employees) who has:

- 7 a. lived in California,
- 8 b. worked in California,
- 9 c. traveled to California to perform work duties, or
- 10 d. recruited any baseball player living in California or attending High School, College, or
 11 Junior College in California.

12 2. Documents sufficient to Identify any business trips taken to California by You or any
 13 employee or person contracted by You, and:

- 14 a. the reason for each trip,
- 15 b. the dates and length of each trip,
- 16 c. the person taking the trip.

17 3. Documents sufficient to show any revenue You generated per Revenue Sharing Year
 18 or calendar year based on any activity occurring in California, including licensing, merchandising,
 19 televised baseball games, ticket sales, the Base Plan (Article XXIV of the Basic Agreement), the
 20 Revenue Sharing Plan (Article XXIV of the Basic Agreement), the Supplemental Plan (Article XXIV
 21 of the Basic Agreement), or the Commissioner's Discretionary Fund (Article XXIV of the Basic
 22 Agreement), Major League Baseball Properties, Inc., or Major League Advanced Media.

23 4. Documents sufficient to show any Communications by the Major League Scouting
 24 Bureau (which is located in Ontario, California) or any employee of the Major League Scouting
 25 Bureau, concerning potential minor leaguers living in California.

26 5. Any business licenses issued to You by the State of California or any city, county, or
 27 municipality of the State of California, or any documents showing that You are or have been
 28 registered to do business in California.

1 Dated: July 9, 2014

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CERTIFICATE OF SERVICE

2 I hereby certify that on this 9th day of July, 2014, a true and accurate copy of the foregoing was
3 served via electronic mail on the following:

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